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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Group Art Unit: 1614

Weingarten, M.D., *et al.*

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Examiner: Unassigned

Serial No.: 10/757,664

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Att'y Docket: 04676.105102
(ATH:225 US)

Filed: January 13, 2004

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For: PROCESS OF PREPARING ESTERS AND
ETHERS OF PROBUCOL AND DERIVATIVES
THEREOF

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INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct the fees from King & Spalding, LLP Deposit Account 11-0980, referencing matter number 04676.105102/SMK.

Applicant respectfully requests that the listed documents be considered and made of record in the present case, and that the Examiner initial the spaces on the accompanying Form PTO-1449 to evidence the same.

Respectfully submitted,



Monte R. Rhodes, Ph.D.
Reg. No. 54,396
Customer No. 20786
AGENT FOR ASSIGNEE,
ATHEROGENICS, INC.

Dated: August 17, 2004
King & Spalding, LLP
191 Peachtree Street, N.E., Atlanta, GA 30303
Office: (404)572-2574
Fax: (404)-572-5145

Form PTO-1449 (modified)

AUG 19 2004

Atty. Docket No.:

04676.105102 (ATH 225)

Serial No.:

10/757,664

List of Patents and Publications for Applicant's

Applicant:

Weingarten, M. D., *et al.*

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:

January 13, 2004

Group:

Unassigned

U.S. Patent Documents

See Page 1

Foreign Patent Documents

See Pages 1-2

Other Art

See Pages 2-3

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing date of App.
	A1	3,576,883	04/27/1971	Neuwirth, M.B.	260	609	06/30/1969
	A2	3,952,064	04/20/1976	Whalley, W.G.	260	609D	07/18/1974
	A3	4,752,616	06/21/1988	Hall, <i>et al.</i>	514	510	06/29/1987
	A4	5,155,250	10/13/1992	Parker, <i>et al.</i>	556	427	07/05/1990
	A5	5,206,247	04/27/1993	Regnier, <i>et al.</i>	514	278	09/05/1991
	A6	5,262,439	11/16/1993	Parthasarathy, S.	514	548	04/30/1992
	A7	5,294,724	03/15/1994	Jendralla, <i>et al.</i>	549	292	09/06/1990
	A8	5,608,095	03/04/1997	Parker, <i>et al.</i>	556	413	04/30/1996
	A9	5,627,205	05/06/1997	Regnier, <i>et al.</i>	514	456	08/03/1995
	A10	6,147,250	11/14/2000	Somers, P.K.	560	130	05/14/1998
	A11	6,323,359	11/27/2001	Jass, P.A.	560	142	05/02/2000
	A12	6,548,699	04/15/2003	Somers, P.K.	562	431	08/06/1999
	A13	6,602,914	08/05/2003	Meng, C.Q.	514	712	04/02/2002
	A14	6,617,352	09/09/2003	Somers, P.K.	514	543	01/30/2002
	A15	6,670,398	12/30/2003	Edwards, <i>et al.</i>	514	571	10/25/2001
	A16						

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date of Publication	Country	Class	Sub Class	Translation Yes/No
	B1	EP 0763527 A1	03/19/1997	EPO	C07C	323/16	No
	B2	EP 0418648 A1	09/05/1990	EPO	C07D	309/30	No

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

Form PTO-1449 (modified)		Atty. Docket No.: 04676.105102 (ATH 225)	Serial No.: 10/757,664
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant: Weingarten, M. D., <i>et al.</i>	
		Filing Date: January 13, 2004	Group: Unassigned
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Pages 1-2</i>	Other Art <i>See Pages 2-3</i>	

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date of Publication	Country	Class	Sub Class	Translation Yes/No
	B3	FR 2.130.975	10/16/1972	France	C07C	149/00	No
	B4	FR 2.133.024	10/30/1972	France	C07D	31/00	No
	B5	FR 2.134.810	11/13/1972	France	C07D	91/00	No
	B6	FR 2.140.771	12/26/1972	France	C07C	149/00	No
	B7	FR 2.140.769	12/26/1972	France	C09D	149/00	No
	B8	FR 2.168.137	08/31/1973	France	A61K	27/00	Yes
	B9	WO 01/70757 A2	09/27/2001	PCT	C07H	15/00	Yes

Other Art (Including Author, Title, Date, Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	FRUEBIS, J., <i>et al.</i> , "A Comparison of the Antiatherogenic Effects of Probucol and of a Structural Analogue of Probucol in Low Density Lipoprotein Receptor-Deficient Rabbits", <i>J. Clin. Invest.</i> , Vol. 94: pp392-398 (July 1994).
	C2	MAMEDOV, Ch. I., "Synthesis of Sulfur-Containing Derivatives of 2,6-Di-tert-butylphenols", <i>Mater. Nauchn. Konf. Aspir. Akad. Nauk. Az. SSR</i> , Vol 1: pp. 27-131 (1980); in Russian. English language abstract provided as <i>Chem. Abstr.</i> 94: 302790c (1981), p. 528.
	C3	de MEGLIO, P., <i>et al.</i> , "New Derivatives of Clofibrate and Probucol. Preliminary Studies on Hypolipemic Activity", <i>Il Farmaco</i> , Vol. 40 (11): pp. 833-844 (1985). Article in Italian; Abstract provided in English: <i>Chem. Abstr.</i> AN 1986: 28675, DN 104:28675, and partial translation in English.
	C4	MENG, C.Q., <i>et al.</i> , "Novel Phenolic Antioxidants as Multifunctional Inhibitors of Inducible VCAM-1 Expression for Use in Atherosclerosis", <i>Bioorg. Med. Chem. Lett.</i> , 12: pp. 2545-2548 (2002).
	C5	NEUWORTH, M.B., <i>et al.</i> , "Synthesis and Hypocholesterolemic Activity of Alkylidenedithio Bisphenols", <i>J. Med. Chem.</i> , Vol. 13 (4): pp. 722-725 (1970).
	C6	TARDIF, J.-C., "Clinical Results with AGI-1067: A Novel AntiOxidant Vascular Protectant",

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

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Other Art (Including Author, Title, Date, Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
		<i>Am. J. Cardiol.</i> , Vol. 91 (Suppl.): pp. 41A-49A (2003).
	C7	

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